

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

DELVIN LENTER WILLIAMS,

Petitioner,

VS.

COMMISSIONER RICHARD ALLEN and  
THE ATTORNEY GENERAL FOR  
THE STATE OF ALABAMA,

Respondents.

CIVIL ACTION NO. 07-KOB-RRA-2283-S


## MEMORANDUM OPINION

This is a habeas corpus petition. The prior denial of the petition was vacated by the Eleventh Circuit and remanded with instructions for the court “to make explicit its consideration of the trial record”<sup>1</sup> on certain issues. After a thorough review of the trial record, the magistrate judge entered a report and recommendation recommending that the respondent’s motion for summary judgment be granted and the action dismissed. Plaintiff filed objections. The court has considered the entire file in this action, including the Eleventh Circuit’s Opinion, Report and Recommendation, transcript excerpts, and the petitioner’s objections to the Report and Recommendation, and has reached an independent conclusion that the Report and Recommendation are due to be adopted and approved.

<sup>1</sup>Those issues to be reviewed are: “the admission of a victim’s out-of-court statement, whether the trial court erroneously denied the judgment of acquittal motion, whether trial counsel was ineffective in challenging the credibility of two state witnesses and during closing argument, and whether appellate counsel was ineffective for failing to raise a claim of ineffective assistance of trial counsel.” *Williams v. Allen*, 324 Fed. Appx. 756, 759 (11th Cir. 2009).

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed. An appropriate order will be entered.

Done this 28<sup>th</sup> day of June 2010.

  
KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE